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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,146

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Dwight D. Smith

18133

3170

7590 02/01/2008  
Michael J. Aronoff  
Tyco Technology Resources  
Suite 140  
4550 New Linden Hill Road  
Wilmington, DE 19808

EXAMINER

TORRES RUIZ, JOHALI ALEJANDRA

ART UNIT

PAPER NUMBER

2838

MAIL DATE

DELIVERY MODE

02/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/757,146

Applicant(s)

SMITH, DWIGHT D.

Examiner

JOHALI A. TORRES RUIZ

Art Unit

2838

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-13,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 1, 3-9 and 14-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: spelling error on line 5 it reads though when it should read through. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (U.S. Patent Number 5,844,401).

4. Claim 1: Lee teaches a housing (3) having a battery receiving cavity, said cavity being profiled to receive at least a battery therein (Fig.3A), electrodes for contacting contacts on the battery for charging the battery (Col.3, Lines 39-41); said housing further comprising an opening through said housing and into said cavity and a gripping member (71) movable transversely into and out of said housing opening (Fig.3A), between a locked (Col.4, Lines 10-12) and unlocked position (Col.4, Lines 19-23), for gripping a battery placed within said cavity .

5. Claim 2: Lee teaches the limitations of claim 1 as discussed above. Lee teaches said gripping member (71) is moved by a cam assembly (Col.4, Lines 13-23).

6. Claim 10: Lee teaches the limitations of claim 1 as discussed above. It teaches the battery receiving cavity is profiled to receive a battery (5) alone (Fig.3A).

7. Claim 13: Lee teaches a housing (3) having a battery receiving cavity, said cavity being profiled to receive a battery (5) therein alone (Col.3, Lines 65-67) (Fig.3A), electrodes for contacting contacts on the battery for charging the battery (Col.3, Lines 39-41); said housing further comprising an opening through said housing and into said cavity and a cam operated gripping member (71) (Col.4, Lines 13-23) movable transversely into and out of said housing opening (Fig.3A), between a locked (Col.4, Lines 10-12) and unlocked position (Col.4, Lines 19-23), for gripping a battery placed within said cavity .

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent Number 5,844,401) as applied to claims 10 and 13 above, and further in view of Taylor et al. (U.S. Patent Number 5,262,710).

10. Claims 11 and 22: Lee teaches the limitations of claims 10 and 13 as discussed above. It does not explicitly teach said cavity includes guides along the insertion axis of the cavity for holding the battery alone.

Taylor teaches a battery charger comprising guides along the insertion axis of a battery for holding a battery alone (Fig.5). (Col.9, Lines 36-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Taylor in the device of Lee to have guided a battery to a charging position (Col.9, Lines 54-61).

11. Claims 12 and 23: Lee and Taylor teach the limitations of claims 11 and 22 as discussed above. Taylor teaches said guides are comprised of guide grooves along the insertion axis of a battery receiving cavity, and are profiled to receive ribs along an exterior of a battery (Col.9, Lines 36-42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Taylor in the device of Lee to have guided a battery to a charging position (Col.9, Lines 54-61).

#### ***Allowable Subject Matter***

12. Claims 3-9 and 14-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reasons for Allowable Subject Matter***

13. The following is an examiner's statement of reasons for allowance: Prior art fails to disclose or suggest, a gripping member comprising a gripper portion

Art Unit: 2838

attached to an insert nor a cam assembly comprised of a rotatable cam which operates within a follower groove in said insert.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M-Alternating F 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKM ULLAH  
SUPERVISORY PATENT EXAMINER

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DAT  
AKM ULLAH  
SUPERVISORY PATENT EXAMINER